

a substantial number of small entities. As explained above, the rule would not impose any new requirements but would instead relieve a restriction for hubcaps with winged projections. The proposed rule, if made final, would likely have a small beneficial effect on small manufacturers and dealers of motor vehicle equipment, since they would have greater flexibility in the types of hub caps they may manufacture and sell. Similarly, persons who purchase aftermarket hubcaps would likely have greater choice. For these reasons, small businesses, small organizations and small governmental units which purchase motor vehicles would not be significantly affected by the proposed rule. Accordingly, an initial regulatory flexibility analysis has not been prepared.

3. Executive Order 12612 (Federalism)

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The agency has determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

4. National Environmental Policy Act

The agency also has analyzed this proposed rule for the purpose of the National Environmental Policy Act, and determined that it would not have any significant impact on the quality of the human environment.

5. Executive Order 12778 (Civil Justice Reform)

The proposed rule would not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Procedures for Filing Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, tires.

In consideration of the following, NHTSA proposes to amend 49 CFR part 571 as follows:

PART 571—[AMENDED]

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

§ 571.211 [Removed]

2. Section 571.211 would be removed.

Issued on: June 14, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 646 and 659

[I.D. 060695D]

Shrimp and Calico Scallop Fisheries Off the Southern Atlantic States and the Snapper-Grouper Fishery of the South Atlantic; Public Scoping Meetings and Public Hearing

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public scoping meetings and public hearing.

SUMMARY: The South Atlantic Fishery Management Council (Council) is holding public scoping meetings to solicit comments on the following issues: Sale of fish caught under the recreational bag limit (all species); Amendment 2 to the Fishery Management Plan (FMP) for the Shrimp Fishery of the South Atlantic Region (Shrimp FMP) dealing with fishery bycatch issues; the development of an FMP for the calico scallop fishery; and the issue of recreational catch and the commercial bycatch of wreckfish under the FMP for the Snapper-Grouper Fishery of the South Atlantic. The Council is also holding a public hearing to solicit comments on management options for Amendment 1 to the Shrimp FMP that would add rock shrimp to the management unit, prohibit shrimp trawling in certain areas, and establish permitting and reporting requirements for this fishery. See the **SUPPLEMENTARY INFORMATION** section for additional information on the hearing and scoping meetings.

DATES: The public scoping meetings are scheduled to begin at 7 p.m. on Monday, June 19, 1995, at Palm Beach Gardens, FL.

The hearing is scheduled to begin at 1:45 p.m. on Thursday, June 22, 1995, at Palm Beach Gardens, FL.

ADDRESSES: The public scoping meetings and public hearing will be held in conjunction with the South

Atlantic Council public meetings at the Palm Beach Gardens Marriott, 4000 RCA Boulevard, Palm Beach Gardens, FL 33410; telephone: (407) 622-8888.

Requests for copies of the public scoping and hearing documents should be sent to the Council at the following address: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699.

FOR FURTHER INFORMATION CONTACT: Sharon Coste (Council staff); telephone: 803-571-4366; fax: 803-769-4520.

SUPPLEMENTARY INFORMATION: A public scoping meeting will be held to solicit comments on the sale of fish caught under the recreational bag limit (all species). The Council has considered this issue on numerous occasions over the past several years, and both commercial and recreational fishermen have expressed concerns about this matter. Currently, all of the Council's FMPs allow for the sale of fish taken under a legal bag limit. The issue regarding the sale of fish caught under bag limits involves several considerations including: (1) The definitions of recreational and commercial fishermen; (2) the ethical question of a "recreational" fisherman selling his catch; and (3) the impacts on a commercial quota from selling fish caught under the bag limit. The Council will consider prohibiting the sale of fish by recreational anglers.

The Council will also hold a public scoping meeting to solicit comments on Amendment 2 to the Shrimp FMP to address the issue of finfish bycatch in the shrimp trawl fishery. The Council prepared the Shrimp FMP in 1992 and NMFS approved and implemented it in 1993. At the time the Shrimp FMP was implemented, the Council was concerned about finfish bycatch in the shrimp trawl fishery, and intended to begin developing management measures through an FMP amendment that would reduce bycatch. The Council's goal for bycatch reduction was delayed by the 1990 amendments to the Magnuson Fishery Conservation and Management Act, which mandated a 3-year research program to assess the impacts of shrimp trawl bycatch on fishery resources under management of the Council. The results of this research program have been recently summarized in a NMFS report to Congress titled "A Report to Congress—Cooperative Research Program Addressing Finfish Bycatch in the Gulf of Mexico and South Atlantic Shrimp Fisheries—April 1995."

These research results will be considered by the Council as an important basis for any specific

management actions. Recent advances in gear development through cooperative efforts between Federal and state governments and the shrimp industry have produced Bycatch Excluder Devices (BRDs) that successfully exclude juvenile fish from shrimp trawls with a minimum of shrimp loss. At its October 1994 meeting in Wrightsville Beach, NC, the Council recommended that NMFS emphasize the development of efficient and effective BRDs in its bycatch reduction research efforts in the South Atlantic; this would provide the Council and the South Atlantic states with expanded options to reduce finfish bycatch in the shrimp trawl fishery. Both the Council and the South Atlantic states have requested that NMFS proceed as rapidly as possible to obtain the research information needed to identify and assess options for requiring the use of BRDs under the Shrimp FMP and under coastal fishery management plans (CFMPs) developed by the Atlantic States Marine Fisheries Commission (Commission), under provisions of the Atlantic Coastal Fisheries Cooperative Management Act of 1993 (Atlantic Coastal Act).

The Council has asked NMFS to conduct a bycatch characterization of the rock shrimp fishery off Cape Canaveral, FL. Concerns still exist relative to the impacts of shrimp bycatch on the Spanish and king mackerel resources. In addition, under the current Amendment 2 to the CFMP for Weakfish, prepared by the Commission under the Atlantic Coastal Act, all South Atlantic states must implement management measures to reduce the bycatch of weakfish in the shrimp trawl fisheries by 50 percent for the 1996 fishing season. Bycatch reduction plans must be submitted to the Commission's Weakfish Technical Committee by October 1, 1995.

The Council is closely coordinating its efforts with the marine resource agencies of the South Atlantic states and has also initiated action on the shrimp trawl bycatch issue by beginning the scoping process on the development of Amendment 2 to the Shrimp FMP. Among several management alternatives under consideration by the Council are the use of BRDs by season and/or area, as well as areal or seasonal closures.

A public scoping meeting will also be held to solicit comments on the development of an FMP for the calico scallop fishery. The Council may consider the following measures as possible management options for this fishery: (1) No action; (2) prohibit calico scallop trawling (trawling) south of 28°30' N. lat; (3) prohibit trawling south

of 28° N. lat.; (4) allow trawling south of Cape Canaveral only with transponders; (5) prohibit trawling west of Oculina Bank; (6) prohibit trawling in depths of less than 120 ft (36.58 m); (7) allow trawling with transponders only from Duval County through St. Lucie County; (8) limit trawling from Duval County through St. Lucie, County; and (9) prohibit trawling south of Cape Canaveral, FL (i.e., south of 28°35.1' N. lat.).

A scoping meeting will also be held to solicit comments on wreckfish caught by recreational fishermen and the commercial bycatch of wreckfish outside of the Blake Plateau. Amendments 3 and 4 to the Snapper-Grouper FMP established a management program for wreckfish in the South Atlantic region. A framework measure was also included allowing the Council to set total allowable catch (TAC) each year and at the same time consider other options. Amendment 5 to the Snapper-Grouper FMP established an individual transferable quota (ITQ) system in the wreckfish fishery that only allows ITQ shareholders to land and sell wreckfish, and allows only permitted dealers to handle wreckfish and to buy wreckfish from ITQ shareholders. Recently, there have been reports of wreckfish being caught by recreational fishermen fishing primarily for red grouper off Key West, FL, and commercial fishermen, especially off south Florida, observing occasional wreckfish bycatch. These reports do not indicate frequency or poundage of catches, disposition of catches, nor substantial quantities or targeting of wreckfish. The Council is considering the following management options for regulating this fishery: (1) No action (i.e., do not allow the taking or landing of wreckfish in the South Atlantic region except by ITQ shareholders; (2) set a recreational bag limit of 1 or 2 fish per fisherman per trip; (3) set a recreational bag limit of 1 or 2 fish per boat per day; (4) set a recreational bag limit of 1 or 2 fish per boat per trip; (5) set an undetermined recreational bag limit; (6) set a bag limit of 1 or 2 fish per boat per trip for commercial fishermen in the South Atlantic region who are not wreckfish ITQ shareholders; (7) set a bag limit of 1 or 2 fish per boat per day for commercial fishermen in the South Atlantic region who are not wreckfish ITQ shareholders; (8) set a bag limit of 1 or 2 fish per boat per trip for commercial fishermen in the south Florida area who are not wreckfish ITQ shareholders; (9) set a bag limit of 1 to 2 fish per boat per day for commercial fishermen in the south Florida area who

are not wreckfish ITQ shareholders, (10) allow for an undetermined commercial bag limit in the South Atlantic region; and (11) allow for an undetermined commercial bag limit only in the South Florida area.

A final public hearing will be held to solicit comments on management options for Amendment 1 to the Shrimp FMP, which proposes to add rock shrimp to the management unit, prohibit trawling for rock shrimp in designated areas, and implement mandatory permitting and reporting requirements for vessels fishing for, and dealers handling, rock shrimp in the South Atlantic region. In addition, the Council will solicit comments on a mandatory vessel operator license and

other management measures to enhance law enforcement that it is considering.

Verbal public comments regarding Shrimp FMP Amendment 1 may be presented at the public hearing and will be considered by the Council prior to taking its intended final action at the June public meeting. Written public comments on the subjects of the scoping meetings, including any Council scoping documents made available to the public, may be submitted to the Council from the time of the scoping meetings until such time as the Council has prepared appropriate and related hearing documents that are available for public comment. For copies of the public scoping and hearing documents, see ADDRESSES.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office by June 16, 1995.

For special accommodations regarding the meetings and hearing, contact the Council (see ADDRESSES).

Authority: 16 U.S.C. 1801 *et. seq.*

Dated: June 13, 1995.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

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